

**U.S. District Court [LIVE]
Western District of Texas (San Antonio)
CIVIL DOCKET FOR CASE #: 5:16-cv-00972-RCL**

Eakin v. United States Department of Defense
Assigned to: Judge Royce C. Lamberth
Cause: 05:552 Freedom of Information Act

Date Filed: 09/30/2016
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

John Eakin

represented by **John Eakin**
9865 Tower View Road
Helotes, TX 78023
210-695-2204
Email: jeakin@airsafety.com
PRO SE

V.

Defendant

United States Department of Defense

represented by **Jacquelyn Michelle Christilles**
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| Date Filed | # | Docket Text |
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| 09/30/2016 | | THIS CASE HAS BEEN RANDOMLY ASSIGNED TO JUDGE XAVIER RODRIGUEZ. (fs) (Entered: 09/30/2016) |

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| 09/30/2016 | | If ordered by the court, all referrals will be assigned to Magistrate Judge Primomo. (fs) (Entered: 09/30/2016) |
| 09/30/2016 | <u>1</u> | COMPLAINT (Filing fee \$ 400 receipt number 500036375), filed by John Eakin. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Filing Fee Receipt)(fs) (Entered: 09/30/2016) |
| 09/30/2016 | <u>2</u> | MOTION For Leave to File Electronically by John Eakin. (fs) (Entered: 09/30/2016) |
| 09/30/2016 | <u>3</u> | Summons Issued as to United States Department of Defense, U.S. Attorney and U.S. Attorney Department of Justice (fs) (Entered: 09/30/2016) |
| 09/30/2016 | | Text Order GRANTING <u>2</u> Motion for leave to file electronically entered by Judge Xavier Rodriguez. Plaintiff may file electronically pursuant to the electronic filing requirements for a pro se litigant set forth in the Administrative Policies and Procedures for Electronic Filing in Criminal and Civil Cases found on the Court's website. (This is a text-only entry generated by the court. There is no document associated with this entry.) (lcl) (Entered: 09/30/2016) |
| 10/17/2016 | <u>4</u> | SUMMONS Returned Executed by John Eakin. Department of Defense (Eakin, John) Modified on 10/17/2016 (rg). (Entered: 10/17/2016) |
| 10/17/2016 | <u>5</u> | SUMMONS Returned Executed by John Eakin. United States Department of Defense served on 10/11/2016, answer due 12/12/2016. (Eakin, John) (Entered: 10/17/2016) |
| 10/17/2016 | <u>6</u> | SUMMONS Returned Executed on 10/3/2016 by John Eakin. <i>US Atty</i> (Eakin, John) (Entered: 10/17/2016) |
| 10/17/2016 | | Reset Deadlines: United States Department of Defense answer due 12/2/2016. (rg) (Entered: 10/17/2016) |
| 10/18/2016 | <u>7</u> | NOTICE <i>Statutory time to answer FOIA complaint</i> by John Eakin (Eakin, John) (Entered: 10/18/2016) |
| 11/01/2016 | <u>8</u> | <i>Defendant's</i> ANSWER to Complaint . Attorney Robert Shaw-Meadow added to party United States Department of Defense(pty:dft) by United States Department of Defense.(Shaw-Meadow, Robert) (Entered: 11/01/2016) |
| 11/01/2016 | <u>9</u> | ORDER AND ADVISORY for Scheduling Recommendations/Proposed Scheduling Order. Plaintiff shall submit scheduling recommendations/proposed scheduling order to the Court. (Scheduling Recommendations/Proposed Scheduling Order due by 12-1-16); Notice of right to consent to disposition of a civil case by a U.S. Magistrate Judge. Signed by Judge Xavier Rodriguez. (jhw) (Entered: 11/01/2016) |
| 11/01/2016 | | Set/Reset Deadlines: Scheduling Recommendations/Proposed Scheduling Order due by 12/1/2016, (rf) (Entered: 11/02/2016) |
| 11/23/2016 | <u>10</u> | CONSENT to Trial by US Magistrate Judge by John Eakin. (rf) (Entered: 11/23/2016) |
| 12/01/2016 | <u>11</u> | STATUS REPORT <i>Joint Rule 26(f) Report and Response to Court Order of November 1, 2016</i> by United States Department of Defense. (Shaw-Meadow, Robert) (Entered: 12/01/2016) |
| 12/01/2016 | <u>12</u> | Scheduling Recommendations/Proposed Scheduling Order <i>Joint</i> by United States Department of Defense. (Shaw-Meadow, Robert) (Entered: 12/01/2016) |
| 12/01/2016 | <u>13</u> | NON-CONSENT to Trial by US Magistrate Judge by United States Department of Defense. (Shaw-Meadow, Robert) (Entered: 12/01/2016) |
| 12/01/2016 | <u>14</u> | NOTICE <i>of Attorney Absence</i> by United States Department of Defense (Shaw-Meadow, Robert) (Entered: 12/01/2016) |
| 12/07/2016 | <u>15</u> | SCHEDULING ORDER: Plaintiff's amended pleadings or motions to join parties due 12-30-16; Defendant's motion to designate third parties, amend pleadings or join parties is 1-20-17; Pretrial Motions due 2-1-17. Signed by Judge Xavier Rodriguez. (jhw) (Entered: 12/07/2016) |
| 01/24/2017 | <u>16</u> | MOTION for Summary Judgment by John Eakin. (Eakin, John) (Entered: 01/24/2017) |
| 01/31/2017 | <u>17</u> | Opposed MOTION for Extension of Time to File Response/Reply as to <u>16</u> MOTION for Summary Judgment <i>and to Submitt Cross Motion for Summary Judgment</i> by |

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| | | United States Department of Defense. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Shaw-Meadow, Robert) (Entered: 01/31/2017) |
| 02/03/2017 | <u>18</u> | Response in Opposition to Motion, filed by John Eakin, re <u>17</u> Opposed MOTION for Extension of Time to File Response/Reply as to <u>16</u> MOTION for Summary Judgment <i>and to Submitt Cross Motion for Summary Judgment</i> filed by Defendant United States Department of Defense (Attachments: # <u>1</u> Exhibit Exemplar FOIA request)(Eakin, John) (Entered: 02/03/2017) |
| 02/07/2017 | <u>19</u> | NOTICE of Withdrawal and Substitution of Counsel by United States Department of Defense (Kruger, Mary) (Entered: 02/07/2017) |
| 02/09/2017 | <u>20</u> | RESPONSE in Support, filed by United States Department of Defense, re <u>17</u> Opposed MOTION for Extension of Time to File Response/Reply as to <u>16</u> MOTION for Summary Judgment <i>and to Submitt Cross Motion for Summary Judgment</i> filed by Defendant United States Department of Defense (Attachments: # <u>1</u> Proposed Order)(Kruger, Mary) (Entered: 02/09/2017) |
| 03/13/2017 | <u>21</u> | ORDER REASSIGNING CASE. Case reassigned to Judge Royce C. Lamberth for all proceedings. Judge Xavier Rodriguez no longer assigned to case. Signed by Judge Xavier Rodriguez. (rg) (Entered: 03/14/2017) |
| 06/01/2017 | <u>22</u> | Cross MOTION for Summary Judgment <i>and Response to Plaintiff's Motion for Summary Judgment</i> , MOTION to Stay Case <i>in the Alternative</i> by United States Department of Defense. (Attachments: # <u>1</u> Response to Plaintiff's Statement of Material Facts, # <u>2</u> Exhibit 1- Wey Declaration)(Kruger, Mary) (Entered: 06/01/2017) |
| 06/07/2017 | <u>23</u> | MOTION to Strike <u>22</u> Cross MOTION for Summary Judgment <i>and Response to Plaintiff's Motion for Summary Judgment</i> MOTION to Stay Case <i>in the Alternative</i> by John Eakin. (Eakin, John) (Entered: 06/07/2017) |
| 06/07/2017 | <u>24</u> | Response in Opposition to Motion, filed by John Eakin, re <u>22</u> Cross MOTION for Summary Judgment <i>and Response to Plaintiff's Motion for Summary Judgment</i> MOTION to Stay Case <i>in the Alternative</i> filed by Defendant United States Department of Defense (Eakin, John) (Entered: 06/07/2017) |
| 06/14/2017 | <u>25</u> | RESPONSE to Motion, filed by United States Department of Defense, re <u>23</u> MOTION to Strike <u>22</u> Cross MOTION for Summary Judgment <i>and Response to Plaintiff's Motion for Summary Judgment</i> MOTION to Stay Case <i>in the Alternative</i> filed by Plaintiff John Eakin (Kruger, Mary) (Entered: 06/14/2017) |
| 06/14/2017 | <u>26</u> | RESPONSE in Support, filed by United States Department of Defense, re <u>22</u> Cross MOTION for Summary Judgment <i>and Response to Plaintiff's Motion for Summary Judgment</i> MOTION to Stay Case <i>in the Alternative</i> filed by Defendant United States Department of Defense (Kruger, Mary) (Entered: 06/14/2017) |
| 08/02/2017 | <u>27</u> | ORDER GRANTING <u>17</u> Motion for Extension of Time to File Response/Reply nunc pro tunc Signed by Judge Royce C. Lamberth. (ad) (Entered: 08/02/2017) |
| 08/02/2017 | <u>28</u> | ORDER MOOTING <u>23</u> Motion to Strike Signed by Judge Royce C. Lamberth. (ad) (Entered: 08/02/2017) |
| 08/02/2017 | <u>29</u> | MEMORANDUM OPINION. Signed by Judge Royce C. Lamberth. (ad) (Entered: 08/02/2017) |
| 08/02/2017 | <u>30</u> | ORDER GRANTING IN PART AND DENYING IN PART <u>16</u> Motion for Summary Judgment; DENYING <u>22</u> Motion for Summary Judgment; GRANTING <u>22</u> Motion to Stay Case Signed by Judge Royce C. Lamberth. (ad) (Entered: 08/02/2017) |
| 01/17/2018 | <u>31</u> | Opposed MOTION to Compel <i>Production</i> by John Eakin. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit Scanning Contract, # <u>3</u> Exhibit Sample Previously Released Files, # <u>4</u> Exhibit Sample Embedded Document, # <u>5</u> Exhibit Vaughn Index, # <u>6</u> Exhibit Description of Scanning Project)(Eakin, John) (Entered: 01/17/2018) |
| 01/22/2018 | <u>32</u> | MOTION to Stay Case by United States Department of Defense. (Attachments: # <u>1</u> Proposed Order)(Kruger, Mary) (Entered: 01/22/2018) |
| 01/24/2018 | <u>33</u> | MOTION to Withdraw <i>ITS MOTION TO STAY</i> by United States Department of Defense. (Attachments: # <u>1</u> Proposed Order)(Kruger, Mary) (Entered: 01/24/2018) |

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| 01/24/2018 | <u>34</u> | MOTION for Extension of Time to File Response/Reply by United States Department of Defense. (Attachments: # <u>1</u> Proposed Order)(Kruger, Mary) (Entered: 01/24/2018) |
| 01/24/2018 | <u>35</u> | ORDER DENYING <u>32</u> Motion to Stay Case Signed by Judge Royce C. Lamberth. (mgr) (Entered: 01/25/2018) |
| 02/07/2018 | <u>36</u> | RESPONSE to Motion, filed by United States Department of Defense, re <u>31</u> Opposed MOTION to Compel <i>Production</i> filed by Plaintiff John Eakin (Attachments: # <u>1</u> Exhibit)(Kruger, Mary) (Entered: 02/07/2018) |
| 02/13/2018 | <u>37</u> | REPLY to Response to Motion, filed by John Eakin, re <u>31</u> Opposed MOTION to Compel <i>Production</i> filed by Plaintiff John Eakin (Eakin, John) (Entered: 02/13/2018) |
| 05/24/2018 | <u>38</u> | Unopposed MOTION for Leave to File <i>Sur Reply</i> by John Eakin. (Attachments: # <u>1</u> Exhibit Sur Reply, # <u>2</u> Exhibit Proposed Order)(Eakin, John) (Entered: 05/24/2018) |
| 06/21/2018 | <u>39</u> | ORDER GRANTING <u>38</u> Motion for Leave to File sur reply Signed by Judge Royce C. Lamberth. (mgr) (Entered: 06/25/2018) |
| 06/21/2018 | <u>40</u> | Plaintiff's Sur Reply to his opposed Motion for Clarification and to Compel Production of Documents to <u>38</u> Unopposed MOTION for Leave to File <i>Sur Reply</i> by John Eakin. (mgr) (Entered: 06/25/2018) |
| 06/21/2018 | <u>41</u> | ORDER GRANTING <u>34</u> Motion for Extension of Time to File Response/Reply Signed by Judge Royce C. Lamberth. (mgr) (Entered: 06/25/2018) |
| 06/05/2019 | <u>42</u> | MEMORANDUM OPINION. Signed by Judge Royce C. Lamberth. (kjlw) (Entered: 06/05/2019) |
| 06/05/2019 | <u>43</u> | ORDER GRANTING IN PART AND DENYING IN PART <u>31</u> Motion to Compel. Signed by Judge Royce C. Lamberth. (kjlw) (Entered: 06/05/2019) |
| 06/05/2019 | | MINUTE ORDER DENYING AS MOOT <u>33</u> Motion to Withdraw. Signed by Judge Royce C. Lamberth. (kjlw) (Entered: 06/05/2019) |
| 06/06/2019 | <u>44</u> | NOTICE of Attorney Appearance by Jacquelyn Michelle Christilles on behalf of United States Department of Defense. Attorney Jacquelyn Michelle Christilles added to party United States Department of Defense(pty:dft) (Christilles, Jacquelyn) (Entered: 06/06/2019) |
| 06/17/2019 | <u>45</u> | Scheduling Recommendations/Proposed Scheduling Order by United States Department of Defense. (Christilles, Jacquelyn) (Entered: 06/17/2019) |
| 06/17/2019 | <u>46</u> | MOTION for Partial Summary Judgment by John Eakin. (Attachments: # <u>1</u> Appendix Material Facts Not In Dispute, # <u>2</u> Affidavit Eakin Declaration, # <u>3</u> Exhibit Exemplar Documents, # <u>4</u> Exhibit Vaughn Index)(Eakin, John) (Entered: 06/17/2019) |
| 06/24/2019 | <u>47</u> | SCHEDULING ORDER: Plaintiff's partial motion for summary judgment was filed on June 19, 2019. The parties have agreed that defendant will have until July 15, 2019 to file its response to plaintiff's partial motion for summary judgment. If plaintiff elects to submit a reply to defendant's response to his partial motion for summary judgment, such reply shall be due by July 22, 2019. Signed by Judge Royce C. Lamberth. (em) (Entered: 06/24/2019) |
| 07/15/2019 | <u>48</u> | RESPONSE to Motion, filed by United States Department of Defense, re <u>46</u> MOTION for Partial Summary Judgment filed by Plaintiff John Eakin (Attachments: # <u>1</u> Exhibit 1, McDermott Declaration, # <u>2</u> Exhibit A to Exhibit 1, Na'Ali Contract, # <u>3</u> Exhibit B to Exhibit 1, OCR Samples, # <u>4</u> Exhibit 2, Letter to Eakin re Vaughn Index)(Christilles, Jacquelyn) (Entered: 07/15/2019) |
| 07/19/2019 | <u>49</u> | REPLY to Response to Motion, filed by John Eakin, re <u>46</u> MOTION for Partial Summary Judgment filed by Plaintiff John Eakin (Eakin, John) (Entered: 07/19/2019) |
| 07/26/2019 | <u>50</u> | Unopposed MOTION for Leave to File <i>Sur-Reply to Plaintiff's Motion for Partial Summary Judgment</i> by United States Department of Defense. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Defendant's Sur-Reply to Plaintiff's Motion for Partial Summary Judgment)(Christilles, Jacquelyn) (Entered: 07/26/2019) |
| 08/13/2019 | <u>51</u> | ORDER GRANTING <u>50</u> Motion for Leave to File a Sur-Reply. Signed by Judge Royce C. Lamberth. (kjlw) (Entered: 08/13/2019) |